

ABC, Inc.



Sam Antar
Vice President
Law & Regulation
Legal

RECEIVED

SEP 24 1997

September 23, 1997 FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

HAND DELIVER

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Comments - RM-9005

Dear Mr. Caton:

On behalf of ABC, Inc. and CBS, Inc., enclosed for filing with the Commission are an original and four copies of our Comments in RM-9005.

If there are any questions concerning the above matter, please communicate directly with the undersigned.

Very truly yours,

Sam Antar

SA/ak
Enclosures

024
TB

Before the
Federal Communications Commission
Washington, DC 20554

RECEIVED

SEP 24 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Routine Licensing of Large) RM-9005
Numbers of Small Antennas)
Operating in the Ka-Band)

Comments of ABC, Inc. and CBS, Inc. on Petition for Rulemaking

ABC, Inc. and CBS, Inc. hereby submit these comments on the captioned petition filed by Lockheed Martin, AT&T, Hughes, Loral and GE ("Lockheed") and the comments on the petition filed by Teledesic Corporation ("Teledesic"). The petition requests revision of FCC rules to provide blanket licensing for large numbers of small antenna earth stations in the Ka-Band.

Our interest in this proposal is based on our existing FS licenses in the 17.7-18.8 GHz band. The ABC radio network operates four licensed transmitters among three terrestrial sites (two paths) in this band. These paths are used to relay network programming for the ABC and CBS radio networks and to transmit the combined digital product to the common carrier for uplinking.¹ It is vital that ABC and CBS continue to be able to use these terrestrial paths free of interference in order to support nationwide distribution of the ABC and CBS radio network services

¹ CBS has contracted with ABC to provide distribution for the CBS radio networks.

to tens of millions of listeners. In addition, both ABC and CBS hold licenses in this band associated with owned stations for facilities that are vital to relaying material from remote sites to the stations for broadcast.

In its petition, Lockheed distinguishes the 17.7-18.8 GHz band from 19.7-20.2 GHz, 28.35-28.6 GHz and 29.25-30.0 GHz. Lockheed does not request blanket licensing for 17.7-18.8 GHz. Instead, Lockheed properly recognizes that this band raises different inter-service sharing issues which require a separate proceeding to develop and adopt sharing criteria and licensing and registration procedures.

Contrariwise, Teledesic, in its comments on the Lockheed petition, requests that the Commission consider blanket licensing in the 17.7-18.8 GHz band for earth station downlinks to "tens of millions of end users." Teledesic argues that this high-density deployment of earth stations "cannot take place unless the Commission eliminates the cost and delay that are associated with the licensing of individual earth stations." Teledesic virtually ignores inter-service sharing issues and the public interest in the continued viability of the services provided by FS incumbents. The only reference Teledesic makes to potential interference with incumbents is to suggest that the Commission require licensees "to conduct the necessary coordination."

We believe the Commission should reject the Teledesic request for blanket licensing in the 17.7-18.8 GHz band. Blanket licensing, which does not require advance coordination, would

likely lead to interference conflicts that would jeopardize the most efficient use of the band by both services. The need for advance coordination is of special urgency in the case of GSO/FSS and FS sharing. The type of direct-to-end-user service which Teledesic contemplates, involving tens of millions of earth stations, would mean that at any of those tens of millions of locations, the earth station user could experience interference from incumbent FS users. This is particularly true if the GSO/FSS user deploys low-cost, consumer-grade antennas because those antennas typically have very limited capacity to withstand and reject interference on-or off-angle.

We agree with Lockheed that the best approach to addressing the sharing and licensing issues in the 17.7-18.8 GHz band would be through industry working groups under Commission oversight. In exercising that oversight, we would urge the Commission to insure that FS incumbents are protected by placing the burden for avoiding interference on the new GSO/FSS users. Otherwise, the new users would be likely to deploy low-cost, low-gain earth stations which perform very poorly in rejecting interference. It would be highly inequitable to require FS incumbents to protect such devices. Only by clearly assigning the interference avoidance burden to GSO/FSS users will it be feasible for FS incumbents to continue to make effective use of their prior-licensed spectrum for existing services and to further develop and expand their systems.

Conclusion

For the reasons stated, the Commission should refuse to authorize blanket licensing for earth stations in the 17.7-18.8 GHz band.


Respectfully submitted,

By: 

Sam Antar
Vice President, Law & Regulation

ABC, Inc.
77 West 66 Street
New York, NY 10023

Counsel for ABC, Inc.

By: 

Steve Hildebrandt
Vice President & General Counsel,
CBS Radio

CBS, Inc.
600 New Hampshire Avenue, N.W.
Suite 1200
Washington, DC 20037

Counsel for CBS, Inc.

September 23, 1997

CERTIFICATE OF SERVICE

I, Anne Kromm, hereby certify that on this 23rd day of September, 1997, I caused a copy of the foregoing "Comments of ABC, Inc. on Petition for Rulemaking" to be served by hand delivery to:

Donald H. Gips, Chief
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 800
Washington, DC 20554

Jonathan Stern, Senior Legal Advisor
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 800
Washington, DC 20554

Thomas S. Tycz, Chief
Satellite and Radiocommunication Division
Federal Communications Commission
2000 M Street, N.W., Room 811
Washington, DC 20554

Ruth Milkman, Deputy Chief
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 800
Washington, DC 20554

Cecily C. Holiday, Deputy Chief
Satellite and Radiocommunication Division
Federal Communications Commission
2000 M Street, N.W., Room 500
Washington, DC 20554

Cassandra Thomas, Deputy Chief
Satellite and Radiocommunication Division
Federal Communications Commission
2000 M Street, N.W., Room 800
Washington, DC 20554

Fern J. Jarmulnek, Chief
Satellite Policy Branch
Satellite and Radiocommunication Division
Federal Communications Commission
2000 M Street, N.W., Room 500
Washington, DC 20554

Steve Sharkey, Chief
Satellite Engineering Branch
Satellite and Radiocommunication Division
Federal Communications Commission
2000 M Street, N.W., Room 500
Washington, DC 20554

Karl A. Kensinger
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 500
Washington, DC 20554

Rosalee Chiara, Deputy Chief
Satellite Policy Branch
Federal Communications Commission
2000 M Street, N.W., Room 516
Washington, DC 20554

Jennifer Gilsenan
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 500
Washington, DC 20554

Frank Peace
International Bureau
Federal Communications Commission
2000 M Street, N.W., Room 500
Washington, DC 20554

and by first-class United States mail, postage prepaid to:

Ray Bender, Esq. (Counsel for Lockheed Martin)
Dow, Lohnes & Albertson
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, DC 20036

William K. Coulter, Esq. (Counsel for AT&T Corp.)
Baker, Donelson, Bearman & Caldwell
Suite 800
801 Pennsylvania Avenue, N.W.
Washington, DC 20004

Gary M. Epstein, Esq. (Counsel for Hughes)
John P. Janka, Esq.
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004

Daniel S. Goldberg, Esq. (Counsel for PanAmSat)
Goldberg, Godles, Wiener & Wright
1229 19th Street, N.W.
Washington, DC 20036

Mark A. Grannis, Esq. (Counsel for Teledesic)
Gibson, Dunn & Crutcher, LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036

Philip L. Malet, Esq. (Counsel for Comm, Inc./
Steptoe & Johnson Motorola)
1330 Connecticut Avenue, N.W.
Washington, DC 20036

Charles Milkis, Esq. (Counsel for VisionStar)
Law Offices of Michael R. Gardner
1150 Connecticut Avenue, N.W.
Suite 710
Washington, DC 20036

David Moskowitz, Esq. (Counsel for Echostar)
Vice President & General Counsel
EchoStar Satellite Corporation
90 Iverness Circle East
Englewood, CO 80112

David G. O'Neil, Esq. (Counsel for KaStar)
Rini Coran & Lancellotta, P.C.
1350 Connecticut Avenue, N.W.
Washington, DC 20036

Philip V. Otero
Vice President & General Counsel
GE Americom Communications
Four Research Way
Princeton, NJ 08540

Peter A. Rohrbach, Esq. (Counsel for GE)
Hogan & Hartson
555 13th Street, N.W.
Washington, DC 20004

R. Victor Bernstein, Esq.
Judy Sello, Esq.
AT&T Corp.
295 North Maple Avenue, Room 3245G1
Basking Ridge, NJ 07920

Julian L. Shepard, Esq. (Counsel for Orion)
Verner Liipfert Bernard McPherson
& Hand, Chartered
901 15th Street, N.W., Suite 700
Washington, DC 20005-2301

Albert Shuldiner, Esq.
Vinson & Elkins
1455 Pennsylvania Avenue, N.W.
Washington, DC 20004-1008

Debra Smilley-Weiner, Esq.
Lockheed Martin Telecommunications
1272 Borregas Avenue, Bldg. 551
Sunnyvale, CA 94089

Philip L. Verveer, Esq.
Andrew R. D'Uva, Esq.
Willkie, Farr & Gallagher
1155 21st Street, N.W.
Washington, DC 20036

(Counsel for Loral)

Frank Young, Esq.
Young & Jatlow
2300 N Street, N.W.
Washington, DC 20037

(Counsel for Morningstar)

A handwritten signature in cursive script, reading "Anne Kromm", written over a horizontal line.

Anne Kromm